

STEERING, LEGISLATIVE & GOVERNMENTAL COMMITTEE

November 1, 2010

5:30 p.m.

Courthouse

MINUTES:

MEMBERS PRESENT:

Commissioner Jack Black  
Commissioner Gary Farley  
Commissioner Trey Gooch  
Commissioner Jeff Jordan  
Commissioner Jeff Phillips  
Commissioner Steve Sandlin  
Commissioner Adam Coggin, C

OTHERS PRESENT:

Ernest Burgess    Jeremy Cothorn  
Russ Willis        Jared Barrett  
Michael Wrather    Marvin Whitworth  
Robert Coggin  
Francella Whitworth  
Becky Shelton

Chairman Coggin presided and called the meeting to order at 5:36 p.m. with all members being present at that time.

MINUTES:

"Commissioner Phillips moved, seconded by Commissioner Sandlin, to approve the minutes of the last meeting as mailed. This motion passed unanimously by acclamation."

ANNOUNCE THREE VACANCIES ON AGRICULTURAL ADVISORY BOARD:

Chairman Coggin advised the positions of Commissioner, farm woman and farmer on the Agricultural Advisory Board were being announced. Commissioner Steve Sandlin was only recently appointed to the Board to fill the unexpired term of former Commissioner Ronald Williams. Commissioner Sandlin is eligible for reappointment and County Director Anthony Tuggle has advised he would support a recommendation for his reappointment. The current farm woman and farmer, Jean Wilson and Tommy Gentry, have completed three consecutive two year terms and are not eligible for reappointment. Accordingly, these three positions are being announced.

ANNOUNCE TWO VACANCIES ON CORRECTIONAL WORK CENTER BOARD:

Chairman Coggin advised the positions of Thomas Hartley and Grant Kelley on the Correctional Work Center Board were expiring and accordingly being announced.

FILL ALTERNATE VACANCY ON BOARD OF ZONING APPEALS:

Chairman Coggin advised the unexpired alternate term of Joe Crowell which expires October, 2012 was to be filled and applications have been received from Jared Barrett and Michael Wrather. Both applicants were present and addressed the Committee. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Phillips, to nominate both applicants and vote for one. Mr. Wrather will be recommended for appointment to fill the unexpired alternate term of Joe Crowell set to expire October, 2012 by unanimous roll call vote."

FILL COUNTY CORONER VACANCY:

Chairman Coggin advised an application had been received from J. Mike Nunley for appointment as coroner. Following discussion,

"Commissioner Farley moved, seconded by Commissioner Gooch, to recommend appointment of J. Mike Nunley as County Coroner."

ANTI-LITTER RESOLUTION:

Jeremy Cothorn of the County Attorney's Office, Mayor Burgess and Attorney Russ Willis addressed the Committee regarding the anti-litter resolution advising the copy presented contained language the attorney for the newspapers has agreed to. Mr. Cothorn advised the County has made some concessions to help the newspaper industry.

The Committee advised it has received comments as to litter in rural areas on farm land not put there by the owner. Mr. Cothorn advised this would be covered under the ten day notice. Mayor Burgess advised if the County finds who dropped the litter it would prosecute like now and Codes will have to use common sense in handling. If the litter is not dumped by the farmer then the County will assist in the clean up.

Marvin Whitworth addressed the Committee advising of concerns with common sense being used in the future.

Commissioner Phillips advised it is the intent of the County to use inmate labor to clean up areas and there is a need to put the anti-litter resolution in place.

Commissioner Farley questioned if the County could include language that if the landowner is found not to be responsible then the matter will not be held against the landowner. Mr. Cothorn advised this was a policy issue but with more outs the matter gets harder to enforce. Commissioner J. Jordan advised he would feel more comfortable with language inserted not holding the landowner responsible if they are not at fault.

As to Section 21, Penalties, Commissioner Sandlin advised he felt the inserted language took the teeth out of the enforcement because it states the newspaper will not be liable if the litter is the result of an isolated or random error.

Section 22 was discussed and language proposed to not hold the landowner responsible as to open land. Mr. Cothorn advised with the change, if it is found that the landowner did not place the litter then the County has no authority to enforce or clean up the litter. Additionally, inmates cannot work on private property. Commissioner Phillips advised with the change the County is not holding the landowner accountable. Commissioner Gooch advised the matter has to start with a complaint. Mr. Cothorn advised with the original language if the area is not cleaned up within ten days the County can clean it up and send a bill for said clean up. Mr. Cothorn advised it will be difficult to prove who did the littering and enforce the resolution. Commissioner Phillips inquired if the County could put similar language in Section 22 like the current Section 21 as to landowners. Chairman Coggin advised the County either needs to keep the resolution tight or leave the language in both Section 21 and Section 22. The Committee can always revisit the matter to see if the resolution can be amended without weakening. Following discussion,

"Commissioner Sandlin moved, seconded by Commissioner Phillips, to approve the Anti-Litter Resolution as presented but taking out the last sentence in Section 21 which reads "Notwithstanding anything to the contrary, neither a publisher nor depositor shall be liable for violating Sections 11, 12, or 13 if such publisher or depositor can demonstrate, by a preponderance of the evidence, that written procedures were established and operating at the time to reasonably comply with said provisions and that the subsequent distribution is the result of an isolated or random error."

Commissioner Gooch moved to amend the original motion,

seconded by Commissioner Farley, to keep Section 21 intact as originally presented with the sentence "Notwithstanding anything to the contrary, neither a publisher nor depositor shall be liable for violating Sections 11, 12, or 13 if such publisher or depositor can demonstrate, by a preponderance of the evidence, that written procedures were established and operating at the time to reasonably comply with said provisions and that the subsequent distribution is the result of an isolated or random error.". This motion passed by acclamation with Commissioners Phillips and Sandlin voting "no".

Commissioner Farley moved to amend the original motion, seconded by Commissioner Gooch, to amend Section 22 by adding the language "Notwithstanding anything to the contrary, a property owner shall not be held in violation of this Resolution if, by a preponderance of the evidence, the property owner can prove that the owner has taken all reasonable steps to maintain property free of litter.". This motion passed by acclamation with Commissioner Sandlin voting "no".

The original motion to approve the Anti-Litter Resolution as amended passed by acclamation with Commissioner Sandlin voting "no".

There appearing to be no further business to come before the Committee, Chairman Coggin declared the meeting adjourned at 7:00 p.m.

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ADAM COGGIN, Chairman